

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CROP PRODUCTION SERVICES, INC.,
Formerly Known As UAP Distribution, Inc.**

PLAINTIFF

v.

No. 4:11cv120-MPM-JMV

**AZLIN PLANTING COMPANY AND
WILLIAM RALPH AZLIN, JR.**

DEFENDANTS

ORDER SETTING MOTION DEADLINE

The plaintiff filed the complaint [# 1] in this action on October 26, 2011. Summonses [# 3] were issued for the above named defendants on February 15, 2012. Proofs of service [# 4 & 5] for the defendants were entered on February 21, the defendants having been served on February 20. On May 14, however, the clerk notified the plaintiff that both defendants were in default and that entry of default should be requested pursuant to FED. R. CIV. P. 55. [# 6]. Because there had been no activity in the case for over a month following the clerk's notice, the court issued a Show Cause Order [# 7] on June 29 requiring the plaintiff to show cause why the case should not be dismissed with prejudice for failure to prosecute. The plaintiff did not respond to the court's order but, instead, filed a Motion for Clerk's Entry of Default [# 8] as to both defendants on July 2. The clerk filed an Entry of Default [# 9] as to both defendants the same day. Despite the clerk's prompt entry of default against the defendants, the plaintiff has yet to move for a default judgment. Therefore, it is

ORDERED:

That the plaintiff shall have thirty (30) days from this date to file a motion for default judgment or take other action to prosecute this case. Failure to comply with this order will subject

the plaintiff to the sanction of dismissal with prejudice for failure to prosecute.

This 2nd day of October, 2012.

/s/ Jane M. Virden
U. S. Magistrate Judge